



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 24, 2006

SUBJECT: **2006-0159** – Application located at **1349 Cordilleras Avenue** (near W Fremont Ave) in an R-1 (Low-Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.34.030 to allow for a 252 square foot accessory utility building with a one foot six inch side yard setback where six feet is required and a one foot six inch rear yard setback where ten feet is required.

REPORT IN BRIEF

Existing Site Conditions Single-Family Home

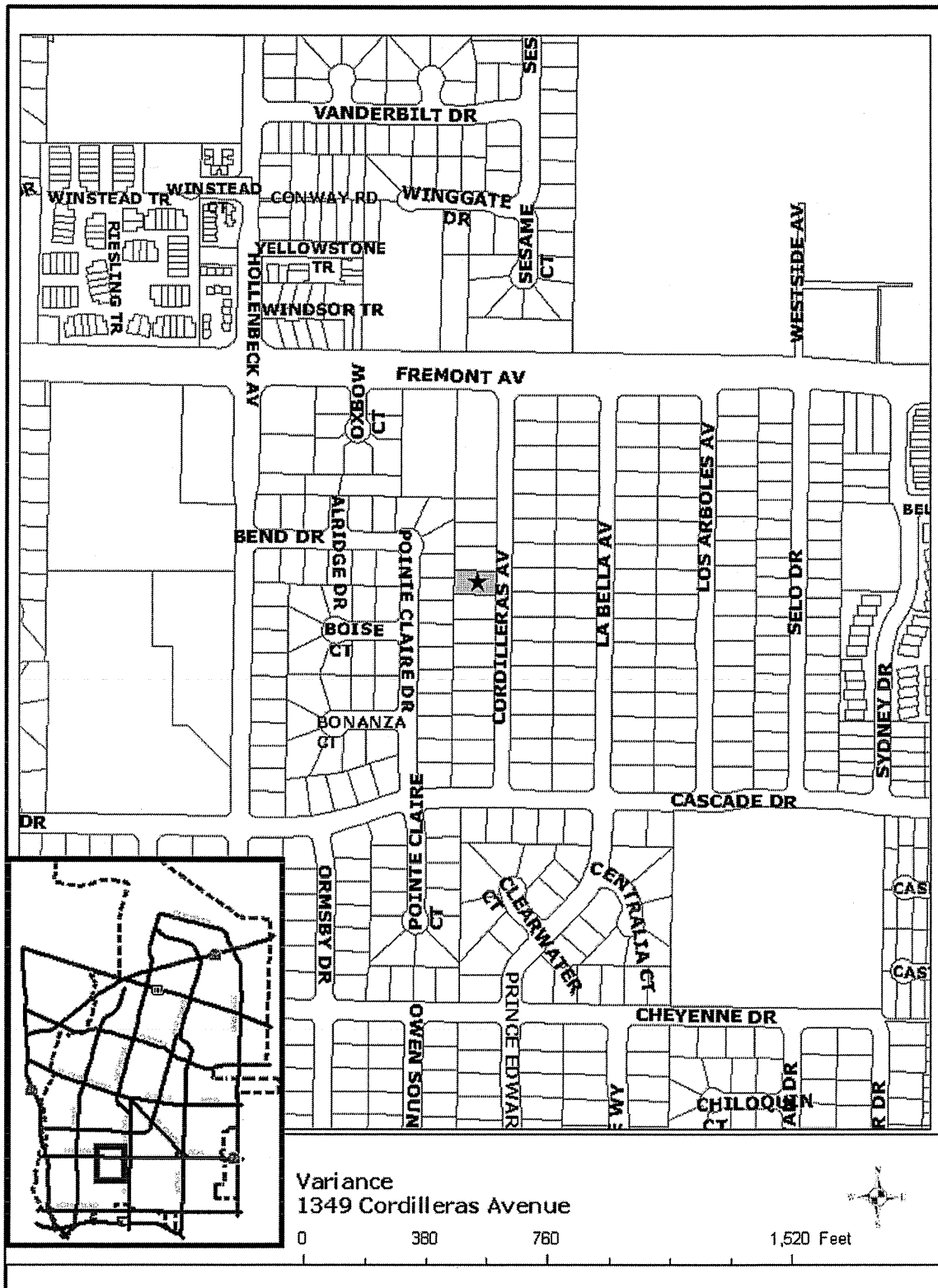
Surrounding Land Uses

North	Single-Family Home
South	Single-Family Home
East	Single-Family Home
West	Single-Family Home

Issues Setbacks

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	9,450	Same	8,000 min.
Gross Floor Area (s.f.)	4,013	4,265	No max.
Lot Coverage (%)	30%	32%	40% max.
Floor Area Ratio (FAR)	42%	45%	45% max. without PC review
No. of Buildings On-Site	2 (shed already built)	2	---
Distance Between Buildings	N/A	38'	10' min.
Building Height (ft.)	N/A	10'	15' max.
Setbacks (Accessory Structure)			
Front	N/A	109'	20' min.
Left Side	N/A	1'6"	6' min. (15' combined)
Right Side	N/A	51'	9' min. (15' combined)
Rear	N/A	1'6"	20' min. (10 ft permitted with < 25% encroachment)
Parking			
Total Spaces	4	4	4 min.
Covered Spaces	2	2	2 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is for a Variance from side and rear yard setback requirements for a 252 square foot storage shed. The structure has already been built without permits and is located on the property. Due to the overall floor area of the home and accessory structure (4,265 square feet), a Planning Commission review is required as the total floor area of the buildings exceeds the Municipal Code threshold of 4,050 square feet.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0603	Design Review for a new two-story single family home	Staff/Approved	10/08/03

Neighborhood Preservation Involvement: The storage shed was first brought to the attention of the Neighborhood Preservation Division during an inspection of the recently built home. At that time, the property owner was informed that a permit was required. In addition to a Variance approval, a building permit would also be required.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions includes setback variances.

Variance

Site Layout: The layout of the home consists of a recently built two-story home. The shed is located at the southwest corner of the lot within the rear yard. As described in the project description, the shed is positioned one foot six inches from the side and rear property lines (See Site Plan in Attachment C). The applicant has noted that the current location was selected to provide adequate area for a future pool within the center of the yard. In order to meet setback requirements for the shed, the pool location or size would need to be

redesigned. Alternatively, the size of the accessory structure could be reduced or positioned differently within the yard.

Architecture: The storage shed appears to be well constructed with a façade of vertical board on board siding and composition roof material. Windows are located along the east and north elevations of the shed. No windows face the property lines closest to the building.

Landscaping: The proposed project does not include any modifications to the existing landscaping of the site. The applicant has indicated a primary reason for locating the shed in its current location is due to the future location of a pool within the center of the rear yard. The pool location is noted on the site plan in Attachment C. Existing trees are located near the perimeter of the rear yard. These trees are not proposed to be removed.

Parking/Circulation: The site provides the required two covered spaces and two uncovered spaces as required by Sunnyvale Municipal Code 19.46.050.

Compliance with Development Standards/Guidelines: The storage shed does not meet the required 6' side and 10' rear setbacks and requires a Variance. All setbacks are required to be met within the R-1 Zoning District for accessory structures over 120 square feet. If the shed was smaller, staff could consider a Miscellaneous Plan Permit application for encroachment into the 10-foot rear yard setback. The shed would have to be reduced to 120 square feet or less instead of 252 square feet.

As noted in the description, the floor area of all buildings on-site exceeds 4,050 square feet; therefore, review of the proposal shall be considered by the Planning Commission. The overall floor area of the home and accessory structure at 4,265 square feet is considered above the code threshold for staff level review and not a deviation from municipal code requirements. All other development standards are met at the site.

Expected Impact on the Surroundings: The shed is not readily visible from the public street, however; at ten feet tall, the shed can be seen from neighboring properties beyond existing property fences. The shed, if relocated to meet required setbacks or reduced in size, could also be visible from neighboring properties, but these impacts are minimized. The applicant notes other sheds within the neighborhood that appear to be located near property lines. The Neighborhood Preservation Division is actively reviewing code enforcement issues related to similar structures throughout the City. Staff must evaluate each site on a case-by-case basis and determine if permits are required based on the characteristics of the structure and the location on the particular property. In this case, a Variance is required.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has received four letters from nearby resident in the neighborhood noting concerns with the proposed Variance. These letters cite concerns with the nature of the use, location, and precedent of the structure and its location (Letters included in Attachment E).

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 51 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this Variance because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

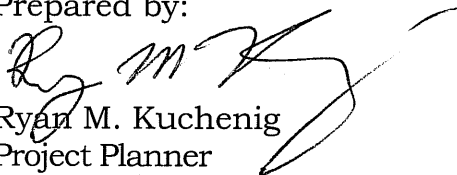
Alternatives

1. Deny the Variance
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:


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Project Planner

Reviewed by:


Gerry Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications from the Applicant
- E. Letters from Nearby Residents
- F. Photos of accessory structures in the neighborhood provided by the applicant

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district (*Finding Not Made*).

Staff does not find any exceptional or extraordinary circumstance or condition applicable to the subject property. The site meets minimum lot size and dimensional standards for the R-1 Zoning District. The characteristics of the site are similar to many neighboring lots in the vicinity.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding Met*)

The storage shed is well constructed and is partially screened from adjacent neighbors by an existing property fence. Although staff does not support approval of the Variance, staff does not find that the shed is materially detrimental or injurious to the property or to surrounding uses.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding Not Met*)

Similar structures within the neighborhood are required to meet the setbacks of the R-1 Zoning District. The applicant has noted other accessory buildings within the surrounding neighborhood. As noted in the report, the Neighborhood Preservation Division assists with concerns related to code enforcement of accessory structures that do not appear to meet City ordinances. Each proposal is reviewed on a case by case basis to determine the appropriate permit process. Staff notes that the rear yard could accommodate the shed at a different location in the rear yard which meets setback requirements. Consideration could also be given to reconfigure the design of the future pool area from its currently proposed location.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. Obtain building permits for the proposed plan.
- D. The accessory building shall not be used for living purposes